

§ 253.39

CFR 337.101(b), (c). Eleven points will be added to the earned ratings of eligible Panamanians.

(b) In rating competitors, CEO shall, in the case of veteran's preference eligibles, provide for waiver of the physical standards and requirements in accordance with 5 U.S.C. 3312.

§ 253.39 Establishment of registers of eligibles.

The names of eligibles (those competitors who meet minimum requirements and are rated as attaining the minimum required rating) shall be entered on appropriate registers in the order outlined below. In the judgment of CEO, eligibility on registers may be established on the basis of earned eligible ratings attained in appropriate examinations for positions in the competitive service.

(a) According to their ratings (including veteran preference and Panamanian preference).

(b) An individual entitled to veteran preference shall be entered ahead of all others having the same rating.

(c) All veterans who have a compensable service-connected disability of 10 percent or more shall be entered at the top of the register in the order of their ratings, except for professional and scientific positions comparable in pay level to positions in grades Non-Manual 9 and above.

(d) When establishing registers, or making certifications therefrom, CEO will provide for priority consideration for career and career-conditional employees of agencies operating in the Republic of Panama who have been separated by reduction in force. However, such priority consideration shall not extend to any position which is in a pay level higher than that from which the employee was separated. Any benefits conferred pursuant to this section are in addition to those conferred by entry of the employee's name on the employing activity's reemployment priority list.

(e) CEO will take appropriate action to insure that veterans of, or persons serving in, the Armed Forces of the United States, receive the same consideration in examinations and entry upon registers as are provided for the

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competitive service by 5 CFR 332.311, 332.312, 332.313, 332.321, 332.322.

(f) CEO will establish appropriate time periods and procedures for terminating the eligibility of individuals on a register.

§ 253.40 Certificate for appointment.

(a) Upon receipt of a request for certification of eligibles, a sufficient number of names to permit the appointing officer to consider three eligibles in connection with each vacancy shall be certified from the top of the appropriate register. Certificates may contain fewer than three names, if fewer than three eligibles are available and the requesting agency consents to issuance of such a certificate.

(b) [Reserved]

(c) If the number of eligibles on the register is insufficient, CEO, in consultation with the employing agency, will determine whether selective certification is to be made from another register, whether a recruiting campaign to attract applicants for examination should be initiated, or whether examining action is to be taken in accordance with § 253.37 or a temporary appointment authorized in accordance with § 253.43.

(d) When there is no register appropriate as a whole for certification for filling a particular position, there may be certified selectively from the most nearly appropriate existing register the names of eligibles who are qualified for the particular position. Such eligibles shall be certified in the order of their ranking. Eligibles on the register may, when appropriate, be rerated on the basis of the particular requirements of the position.

(e) Certification shall be made without regard to sex, unless the appointing officer requests and justifies referral of eligibles of a specified sex.

(f) Certification must be limited to eligibles residing in the Republic of Panama except when persons possessing the requisite skills and qualifications are not found in the Republic of Panama.

§ 253.41 Selection from certificates.

Selections from certificates are made by application of either the rule of three or the rule of ten.

Panama Canal Regulations

§ 253.42

(a) *Rule of three.* When selecting from a certificate of eligibles, an appointing official shall, with sole reference to merit and fitness, make the selection for the first vacancy from the highest three eligibles available for appointment on the certificate. For the second vacancy, the selecting official must make selection from the three highest eligibles remaining on the certificate. Each succeeding vacancy must be filled in like manner subject to the rules in §253.40. The rule of three applies to selections involving:

(1) All United States Wage Base positions except those of apprentice, floating equipment trainees at the grade FE-5 and FE-7 levels and marine engineer trainees at the grade ME-7 level; and

(2) United States citizens.

(b) *Rule of ten.* When selecting from a certificate of eligibles, an appointing official shall, with sole reference to merit and fitness, make the selection for the first vacancy from the highest ten eligibles available for appointment on the certificate. For the second vacancy, the selecting official must make selection from the ten highest eligibles remaining on the certificate. Each succeeding vacancy must be filled in like manner subject to the rules in §253.40. The rule of ten applies to selections involving:

(1) All Canal Area Wage Base positions filled from pre-rated inventories which includes the positions of firefighter and firefighter trainee, and

(2) United States Wage Base positions of apprentice, floating equipment trainees at the grade FE-5 and FE-7 levels and marine engineer trainees at the grade ME-7 level.

The rule of ten shall not be applied in any situation where a United States applicant is among the top three candidates available.

(c) An appointing officer is not required to consider any eligible:

(1) Who has been considered for three or ten separate appointments, as applicable, from the same or different certificates for the same position, or

(2) To whose certification for the particular position the officer makes an objection that is sustained by the CEO for any of the reasons stated in §253.34 or for other reasons considered by the

CEO to be disqualifying for the particular position. The length of a non-Panamanian candidate's previous service or residence in foreign areas may be a valid qualification and selection factor in filling positions in an agency having an established policy for periodic rotation of non-Panamanian citizens.

(d) When an appointing officer passes over a veteran-preference eligible and tentatively selects a non-preference eligible, the provisions of 5 CFR 332.406 apply except that the CEO shall exercise the authority vested in the Office of Personnel Management.

[56 FR 1924, Jan. 18, 1991]

§ 253.42 Appointments from registers.

(a) Except as provided by paragraph (d) of this section, a "Canal Area Career-Conditional Appointment" shall be given to an eligible selected from a register for other than temporary or term appointment.

(b) Upon completion by the appointee of 3 years of creditable service, his career-conditional appointment shall be automatically converted to a "Canal Area Career Appointment." As used in this paragraph, "creditable service" means all substantially continuous service with the Federal Government since initial non-temporary civilian appointment, including any service in the competitive or excepted service, or intervening service in the legislative or judicial branches or in the Armed Forces of the United States. A break in service of 30 days or less shall be considered substantially continuous service. Breaks in service of more than 30 days shall not be considered substantially continuous service unless the head of the agency excepts particular types of cases from this requirement. In making such exceptions, the agency will be guided by the instructions published for the competitive service in the Federal Personnel Manual.

(c) An eligible given a Canal Area Career-Conditional Appointment shall be required to serve a probationary period of 1 year. Prior Federal service may be counted toward completion of the probationary period as provided in the Federal Personnel Manual. The employing agency shall utilize the probationary period as fully as possible to